

110TH CONGRESS  
2D SESSION

# H. R. 6207

To develop American energy independence, lower gas prices, and open reliable national sources of energy.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2008

Mr. AKIN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Rules, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To develop American energy independence, lower gas prices,  
and open reliable national sources of energy.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE, ETC.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “\$150 Barrel Energy Extortion Act of 2008”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—REFINERIES

- Sec. 101. Issuance of guidance.
- Sec. 102. Tax-exempt financing of domestic use oil refinery facilities.
- Sec. 103. Designation and availability of Federal lands for oil and natural gas refineries.

## TITLE II—NUCLEAR

- Sec. 201. Incentives for innovative technologies.
- Sec. 202. Standby support for certain nuclear plant delays.
- Sec. 203. Authorization for Nuclear Power 2010 Program.
- Sec. 204. Domestic manufacturing base for nuclear components and equipment.
- Sec. 205. Nuclear energy workforce.
- Sec. 206. Investment Tax Credit for Investments in Nuclear Power Facilities.
- Sec. 207. National Nuclear Energy Council.
- Sec. 208. Temporary Spent Nuclear Fuel Storage Agreements.
- Sec. 209. Confidence in availability of waste disposal.

## TITLE III—DRILLING

### Subtitle A—Tax Provisions

- Sec. 301. Credit for producing fuel from nonconventional sources to apply to gas produced onshore from formations more than 15,000 feet deep.
- Sec. 302. Tax credit for carbon dioxide captured from industrial sources and used in enhanced oil and natural gas recovery.

### Subtitle B—Termination of Congressional Moratoria on Oil and Gas Development on the Outer Continental Shelf

- Sec. 311. Termination of laws prohibiting expenditures for oil and natural gas leasing and preleasing activities regarding areas of the outer continental shelf.

### Subtitle C—Oil and Gas Development on the Coastal Plain of Alaska

- Sec. 321. Short title.
- Sec. 322. Definitions.
- Sec. 323. Leasing program for lands within the Coastal Plain.
- Sec. 324. Lease sales.
- Sec. 325. Grant of leases by the Secretary.
- Sec. 326. Lease terms and conditions.
- Sec. 327. Coastal plain environmental protection.
- Sec. 328. Expedited judicial review.
- Sec. 329. Federal and State distribution of revenues.
- Sec. 330. Rights-of-way across the Coastal Plain.
- Sec. 331. Conveyance.
- Sec. 332. Local government impact aid and community service assistance.

## TITLE IV—EFFECTIVE DATE

- Sec. 401. Effective date.

# **TITLE I—REFINERIES**

## **SEC. 101. ISSUANCE OF GUIDANCE.**

The Secretary of the Treasury shall, not later than 60 days after the effective date of this Act, prescribe the regulations described in paragraph (1) of section 179C(b) of the Internal Revenue Code of 1986 (relating to election to expense certain refineries).

## **SEC. 102. TAX-EXEMPT FINANCING OF DOMESTIC USE OIL REFINERY FACILITIES.**

(a) IN GENERAL.—

(1) TREATMENT AS EXEMPT FACILITY BOND.—

Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking “or” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, or”, and by inserting at the end the following new paragraph:

“(16) domestic use oil refinery facilities.”.

(2) DOMESTIC USE OIL REFINERY FACILITIES.—Section 142 of such Code is amended by adding at the end the following new subsection:

“(n) DOMESTIC USE OIL REFINERY FACILITIES.—

“(1) IN GENERAL.—For purposes of subsection (a)(16), the term ‘domestic use oil refinery facility’ means any facility in the United States—

1           “(A) which processes liquid fuel from  
2           crude oil, and

3           “(B) all of the output of which it is rea-  
4           sonably certain ultimate consumption will occur  
5           in the United States.

6           “(2) ELECTION TO TERMINATE TAX-EXEMPT  
7           BOND FINANCING BY CERTAIN REFINERIES.—In the  
8           case of a facility financed with bonds which would  
9           cease to be tax-exempt by reason of the failure to  
10          meet the domestic use requirement of this sub-  
11          section, rules similar to the rules of subsection (f)(4)  
12          shall apply for purposes of this section.”.

13          (b) EFFECTIVE DATE.—The amendments made by  
14          this section shall apply to bonds issued after the effective  
15          date of this Act.

16   **SEC. 103. DESIGNATION AND AVAILABILITY OF FEDERAL**  
17                   **LANDS FOR OIL AND NATURAL GAS REFIN-**  
18                   **ERIES.**

19          (a) DESIGNATION.—Within 18 months after the ef-  
20          fective date of this Act, the President shall designate at  
21          least ten sites on Federal lands that are suitable for the  
22          siting of an oil refinery or natural gas refinery (or both).

23          (b) AVAILABILITY OF LANDS.—Within 24 months  
24          after the effective date of this Act, the President shall  
25          make each site designated under subsection (a) available

1 to the private sector for construction of an oil refinery or  
2 natural gas refinery (or both), as appropriate.

## 3 **TITLE II—NUCLEAR**

### 4 **SEC. 201. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.**

5 (a) DEFINITION OF PROJECT COST.—Section 1701  
6 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is  
7 amended by adding at the end the following new para-  
8 graph:

9 “(6) PROJECT COST.—The term ‘project cost’  
10 means all costs associated with the development,  
11 planning, design, engineering, permitting and licens-  
12 ing, construction, commissioning, start-up, shake-  
13 down and financing of the facility, including but not  
14 limited to reasonable escalation and contingencies,  
15 the cost of and fees for the guarantee, reasonably re-  
16 quired reserve funds, initial working capital and in-  
17 terest during construction.”.

18 (b) TERMS AND CONDITIONS.—Section 1702(b) of  
19 the Energy Policy Act of 2005 (42 U.S.C. 16512(b)) is  
20 amended to read as follows:

21 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-  
22 TION.—

23 “(1) IN GENERAL.—No guarantee shall be  
24 made unless—

1           “(A) an appropriation for the cost has  
2           been made;

3           “(B) the Secretary has received from the  
4           borrower a payment in full for the cost of the  
5           obligation and deposited the payment into the  
6           Treasury; or

7           “(C) a combination of subparagraphs (A)  
8           and (B) has been made, that when combined is  
9           sufficient to cover the cost of the obligation.

10          “(2) RELATION TO OTHER LAWS.—Section  
11          504(b) of the Federal Credit Reform Act of 1990 (2  
12          U.S.C. 661c(b)) shall not apply to a loan guarantee  
13          made in accordance with paragraph (1)(B).”.

14          (c) AMOUNT.—Section 1702(c) of the Energy Policy  
15          Act of 2005 (42 U.S.C. 16512(c)) is amended to read as  
16          follows:

17          “(c) AMOUNT.—

18                 “(1) IN GENERAL.—Subject to paragraph (2),  
19                 the Secretary shall guarantee 100 percent of the ob-  
20                 ligation for a facility that is the subject of the guar-  
21                 antee, or a lesser amount if requested by the bor-  
22                 rower.

23                 “(2) LIMITATION.—The total amount of loans  
24                 guaranteed for a facility by the Secretary shall not  
25                 exceed 80 percent of the total cost of the facility, as

1       estimated at the time at which the guarantee is  
2       issued.”.

3       (d) FEES.—Section 1702(h) of the Energy Policy Act  
4 of 2005 (42 U.S.C. 16512(h)) is amended by striking  
5 paragraph (2) and inserting the following:

6               “(2) AVAILABILITY.—Fees collected under this  
7       subsection shall—

8               “(A) be deposited by the Secretary into a  
9       special fund in the Treasury to be known as the  
10       ‘Incentives For Innovative Technologies Fund’;  
11       and

12              “(B) remain available to the Secretary for  
13       expenditure, without further appropriation or  
14       fiscal year limitation, for administrative ex-  
15       penses incurred in carrying out this title.”.

16 **SEC. 202. STANDBY SUPPORT FOR CERTAIN NUCLEAR**  
17 **PLANT DELAYS.**

18       (a) DEFINITIONS.—Section 638(a) of the Energy  
19 Policy Act of 2005 (42 U.S.C. 16014(a)) is amended as  
20 follows:

21              (1) By inserting the following:

22              “(4) FULL POWER OPERATION.—The term ‘full  
23       power operation’ means whichever occurs first of—

1           “(A) the ‘commercial operation date’ or  
2           the equivalent under the terms of the financing  
3           documents for such facility; or

4           “(B) operation of such facility at an aver-  
5           age of 50 percent or greater of nameplate ca-  
6           pacity over any consecutive 30-day period.

7           “(5) INCREASED PROJECT COSTS.—The term  
8           ‘increased project costs’ means the increased cost of  
9           constructing, commissioning, testing, operating, or  
10          maintaining a reactor prior to full-power operation  
11          incurred as a result of a delay covered by the con-  
12          tract, including but not limited to costs of demobili-  
13          zation and remobilization, increased costs of equip-  
14          ment, materials and labor due to delay (including  
15          idle time), increased general and administrative  
16          costs, and escalation costs for completing construc-  
17          tion.

18          “(6) LITIGATION.—The term ‘litigation’ means  
19          adjudication in Federal, State, local, or tribal courts  
20          and administrative proceedings or hearings at or be-  
21          fore Federal, State, local, or tribal agencies or ad-  
22          ministrative bodies.”.

23          (2) By redesignating paragraph (4) as para-  
24          graph (7).

1       (b) CONTRACT AUTHORITY.—Section 638(b) of the  
2 Energy Policy Act of 2005 (42 U.S.C. 16014(b)) is  
3 amended by striking paragraph (1) and inserting the fol-  
4 lowing:

5           “(1) IN GENERAL.—The Secretary may enter  
6 into contracts under this section with sponsors of an  
7 advanced nuclear facility that cover at any one time  
8 outstanding a total of not more than 6 reactors,  
9 with the 6 reactors consisting of not more than 3  
10 different reactor designs, in accordance with para-  
11 graph (2). In the event that any contract entered  
12 into under this section terminates or expires without  
13 a claim being paid by the Secretary thereunder, then  
14 the Secretary may enter into a new contract under  
15 this section in replacement or substitution for such  
16 contract.”.

17       (c) COVERED COSTS.—Section 638(d) of the Energy  
18 Policy Act of 2005 (42 U.S.C. 16014(d)) is amended by  
19 striking paragraphs (2) and (3) and inserting the fol-  
20 lowing:

21           “(2) COVERAGE.—In the case of reactors that  
22 receive combined licenses and on which construction  
23 is commenced, the Secretary shall pay—

1           “(A) 100 percent of the covered costs of  
2           delay that occur after the initial 30-day period  
3           of covered delay; but

4           “(B) not more than \$500,000,000 per con-  
5           tract.

6           “(3) COVERED DEBT OBLIGATIONS.—Debt obli-  
7           gations covered under subparagraph (A) of para-  
8           graph (5) shall include but not be limited to debt ob-  
9           ligations incurred to pay increased project costs.”.

10          (d) DISPUTE RESOLUTION.—Section 638 of the En-  
11       ergy Policy Act of 2005 (42 U.S.C. 16014) is amended  
12       as follows:

13               (1) By inserting the following:

14           “(f) DISPUTE RESOLUTION.—Any controversy or  
15       claim arising out of or relating to any contract entered  
16       into under this section shall be determined by arbitration  
17       in Washington, DC, according to the then prevailing Com-  
18       mercial Arbitration Rules of the American Arbitration As-  
19       sociation. A decision by the arbitrator or arbitrators shall  
20       be final and binding, and any court having jurisdiction  
21       may enter judgment on it.”.

22               (2) By redesignating subsections (f), (g), and  
23       (h) as subsections (g), (h), and (i) respectively.

1 **SEC. 203. AUTHORIZATION FOR NUCLEAR POWER 2010 PRO-**  
2 **GRAM.**

3 Section 952(c) of the Energy Policy Act of 2005 (42  
4 U.S.C. 16014) is amended by striking paragraphs (1) and  
5 (2) and inserting the following:

6 “(1) IN GENERAL.—The Secretary shall carry  
7 out a Nuclear Power 2010 Program to position the  
8 Nation to start construction of new nuclear power  
9 plants by 2010 or as close to 2010 as achievable.

10 “(2) SCOPE OF PROGRAM.—The Nuclear Power  
11 2010 Program shall be cost-shared with the private  
12 sector and shall support the following objectives:

13 “(A) Demonstrating the licensing process  
14 for new nuclear power plants, including the Nu-  
15 clear Regulatory Commission process for ob-  
16 taining early site permits (ESPs), combined  
17 construction/operating licenses (COLs), and de-  
18 sign certifications.

19 “(B) Conducting first-of-a-kind design and  
20 engineering work on at least two advanced nu-  
21 clear reactor designs sufficient to bring those  
22 designs to a state of design completion suffi-  
23 cient to allow development of firm cost esti-  
24 mates.

25 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
26 There are authorized to be appropriated to the Sec-

1       retary to carry out the Nuclear Power 2010 Pro-  
2       gram:

3               “(A) \$182,800,000 for fiscal year 2008.

4               “(B) \$159,600,000 for fiscal year 2009.

5               “(C) \$135,600,000 for fiscal year 2010.

6               “(D) \$46,900,000 for fiscal year 2011.

7               “(E) \$2,200,000 for fiscal year 2012.”.

8       **SEC. 204. DOMESTIC MANUFACTURING BASE FOR NUCLEAR**  
9               **COMPONENTS AND EQUIPMENT.**

10       (a) ESTABLISHMENT OF INTERAGENCY WORKING  
11       GROUP.—

12               (1) PURPOSES.—The purposes of this sub-  
13       section are—

14               (A) to increase the competitiveness of the  
15       United States nuclear energy products and  
16       services industries;

17               (B) to identify the stimulus or incentives  
18       necessary to cause United States manufacturers  
19       of nuclear energy products to expand manufac-  
20       turing capacity;

21               (C) to facilitate the export of United  
22       States nuclear energy products and services;

23               (D) to reduce the trade deficit of the  
24       United States through the export of United  
25       States nuclear energy products and services;

1           (E) to retain and create nuclear energy  
2           manufacturing and related service jobs in the  
3           United States;

4           (F) to integrate the objectives in subpara-  
5           graphs (A) through (E) in a manner consistent  
6           with the interests of the United States, into the  
7           foreign policy of the United States; and

8           (G) to authorize funds for increasing  
9           United States capacity to manufacture nuclear  
10          energy products and supply nuclear energy  
11          services.

12          (2) ESTABLISHMENT.—

13           (A) There shall be established an inter-  
14           agency working group that, in consultation with  
15           representative industry organizations and man-  
16           ufacturers of nuclear energy products, shall  
17           make recommendations to coordinate the ac-  
18           tions and programs of the Federal Government  
19           in order to promote increasing domestic manu-  
20           facturing capacity and export of domestic nu-  
21           clear energy products and services.

22           (B) The Interagency Working Group shall  
23           be composed of—

24                   (i) the Secretary of Energy, or the  
25                   Secretary's designee, who shall chair the

1 interagency working group and shall pro-  
2 vide staff for carrying out the functions of  
3 the interagency working group;

4 (ii) representatives of—

5 (I) the Department of Energy;

6 (II) the Department of Com-  
7 merce;

8 (III) the Department of Defense;

9 (IV) the Department of the  
10 Treasury;

11 (V) the Department of State;

12 (VI) the Environmental Protec-  
13 tion Agency;

14 (VII) the United States Agency  
15 for International Development;

16 (VIII) the Export-Import Bank  
17 of the United States;

18 (IX) the Trade and Development  
19 Agency;

20 (X) the Small Business Adminis-  
21 tration;

22 (XI) the Office of the United  
23 States Trade Representative; and

24 (XII) other Federal agencies, as  
25 determined by the President.

1           (C) The heads of appropriate agencies  
2           shall detail such personnel and furnish such  
3           services to the interagency group, with or with-  
4           out reimbursement, as may be necessary to  
5           carry out the group's functions.

6           (3) DUTIES OF THE INTERAGENCY WORKING  
7           GROUP.—

8           (A) Not later than 6 months after the ef-  
9           fective date of this Act, the interagency working  
10          group established under paragraph (2)(A) shall  
11          identify the actions necessary to promote the  
12          safe development and application in foreign  
13          countries of nuclear energy products and serv-  
14          ices in order to—

15               (i) increase electricity generation from  
16               nuclear energy sources through develop-  
17               ment of new generation facilities;

18               (ii) improve the efficiency, safety, and  
19               reliability of existing nuclear generating fa-  
20               cilities through modifications; and

21               (iii) enhance the safe treatment, han-  
22               dling, storage, and disposal of used nuclear  
23               fuel.

24           (B) Not later than 6 months after the ef-  
25          fective date of this Act, the interagency working

1 group shall identify mechanisms (including tax  
2 stimulus for investment, loans and loan guaran-  
3 tees, and grants) necessary for United States  
4 companies to increase their capacity to produce  
5 or provide nuclear energy products and services,  
6 and to increase their exports of nuclear energy  
7 products and services. The interagency working  
8 group shall identify administrative or legislative  
9 initiatives necessary to—

10 (i) encourage United States compa-  
11 nies to increase their manufacturing capac-  
12 ity for nuclear energy products;

13 (ii) provide technical and financial as-  
14 sistance and support to small and mid-  
15 sized businesses to establish quality assur-  
16 ance programs in accordance with domestic  
17 and international nuclear quality assurance  
18 code requirements;

19 (iii) encourage, through financial in-  
20 centives, private sector capital investment  
21 to expand manufacturing capacity; and

22 (iv) provide technical assistance and  
23 financial incentives to small and mid-sized  
24 businesses to develop the workforce nec-  
25 essary to increase manufacturing capacity

1                   and meet domestic and international nu-  
2                   clear quality assurance code requirements.

3                   (C) Not later than 9 months after the ef-  
4                   fective date of this Act, the interagency working  
5                   group shall provide a report to Congress on its  
6                   findings under subparagraphs (A) and (B), in-  
7                   cluding recommendations for new legislative au-  
8                   thority where necessary.

9                   (4) TRADE ASSISTANCE.—The interagency  
10                  working group shall encourage the member agencies  
11                  of the interagency working group to—

12                  (A) provide technical training and edu-  
13                  cation for international development personnel  
14                  and local users in their own country;

15                  (B) provide financial and technical assist-  
16                  ance to nonprofit institutions that support the  
17                  marketing and export efforts of domestic com-  
18                  panies that provide nuclear energy products and  
19                  services;

20                  (C) develop nuclear energy projects in for-  
21                  eign countries;

22                  (D) provide technical assistance and train-  
23                  ing materials to loan officers of the World  
24                  Bank, international lending institutions, com-  
25                  mercial and energy attaches at embassies of the

1 United States and other appropriate personnel  
 2 in order to provide information about nuclear  
 3 energy products and services to foreign govern-  
 4 ments or other potential project sponsors;

5 (E) support, through financial incentives,  
 6 private sector efforts to commercialize and ex-  
 7 port nuclear energy products and services in ac-  
 8 cordance with the subsidy codes of the World  
 9 Trade Organization; and

10 (F) augment budgets for trade and devel-  
 11 opment programs in order to support pre-feasi-  
 12 bility or feasibility studies for projects that uti-  
 13 lize nuclear energy products and services.

14 (5) AUTHORIZATION OF APPROPRIATIONS.—

15 There are authorized to be appropriated to the Sec-  
 16 retary of Energy for purposes of carrying out this  
 17 section \$20,000,000 for fiscal years 2008 and 2009.

18 (b) CREDIT FOR QUALIFYING NUCLEAR POWER  
 19 MANUFACTURING.—Subpart E of part IV of subchapter  
 20 A of chapter 1 of the Internal Revenue Code is amended  
 21 by inserting after section 48B the following new section:  
 22 **“SEC. 48C. QUALIFYING NUCLEAR POWER MANUFAC-**  
 23 **TURING CREDIT.**

24 **“(a) IN GENERAL.—**For purposes of section 46, the  
 25 qualifying nuclear power manufacturing credit for any

1 taxable year is an amount equal to 20 percent of the quali-  
2 fied investment for such taxable year.

3 “(b) QUALIFIED INVESTMENT.—

4 “(1) IN GENERAL.—For purposes of subsection  
5 (a), the qualified investment for any taxable year is  
6 the basis of eligible property placed in service by the  
7 taxpayer during such taxable year—

8 “(A) which is either part of a qualifying  
9 nuclear power manufacturing project or is  
10 qualifying nuclear power manufacturing equip-  
11 ment,

12 “(B)(i) the construction, reconstruction, or  
13 erection of which is completed by the taxpayer,  
14 or

15 “(ii) which is acquired by the taxpayer if  
16 the original use of such property commences  
17 with the taxpayer,

18 “(C) with respect to which depreciation (or  
19 amortization in lieu of depreciation) is allow-  
20 able, and

21 “(D) which is placed in service on or be-  
22 fore December 31, 2015.

23 “(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED  
24 PROPERTY.—Rules similar to section 48(a)(4) shall  
25 apply for purposes of this section.

1           “(3) CERTAIN QUALIFIED PROGRESS EXPENDI-  
2           TURES RULES MADE APPLICABLE.—Rules similar to  
3           the rules of subsections (c)(4) and (d) of section 46  
4           (as in effect on the day before the enactment of the  
5           Revenue Reconciliation Act of 1990) shall apply for  
6           purposes of this section.

7           “(c) DEFINITIONS.—For purposes of this section—

8           “(1) QUALIFYING NUCLEAR POWER MANUFAC-  
9           TURING PROJECT.—The term ‘qualifying nuclear  
10          power manufacturing project’ means any project  
11          which is designed primarily to enable the taxpayer to  
12          produce or test equipment necessary for the con-  
13          struction or operation of a nuclear power plant.

14          “(2) QUALIFYING NUCLEAR POWER MANUFAC-  
15          TURING EQUIPMENT.—The term ‘qualifying nuclear  
16          power manufacturing equipment’ means machine  
17          tools and other similar equipment, including com-  
18          puters and other peripheral equipment, acquired or  
19          constructed primarily to enable the taxpayer to  
20          produce or test equipment necessary for the con-  
21          struction or operation of a nuclear power plant.

22          “(3) PROJECT.—The term ‘project’ includes  
23          any building constructed to house qualifying nuclear  
24          power manufacturing equipment.”.

25          (c) CONFORMING AMENDMENTS.—

1           (1) ADDITIONAL INVESTMENT CREDIT.—Sec-  
2       tion 46 of such Code is amended—

3                   (A) by striking “and” at the end of para-  
4       graph (3);

5                   (B) by striking the period at the end of  
6       paragraph (4) and inserting “, and”; and

7                   (C) by inserting after paragraph (4) the  
8       following new paragraph:

9           “(5) the qualifying nuclear power manufac-  
10       turing credit.”.

11           (2) APPLICATION OF SECTION 49.—Subpara-  
12       graph (C) of section 49(a)(1) of such Code is  
13       amended by—

14                   (A) by striking “and” at the end of clause  
15       (iii);

16                   (B) by striking the period at the end of  
17       clause (iv) and inserting “, and”; and

18                   (C) by inserting after clause (iv) the fol-  
19       lowing new clause:

20                   “(v) the basis of any property which  
21       is part of a qualifying nuclear power equip-  
22       ment manufacturing project under section  
23       48C.”.

24           (3) TABLE OF SECTIONS.—The table of sections  
25       preceding section 46 of such Code is amended by in-

1       serting after the item for section 48B the following  
 2       new line:

“Sec. 48C. Qualifying nuclear power manufacturing credit.”.

3       (d) **EFFECTIVE DATE.**—The amendments made by  
 4 subsections (b) and (c) shall apply to property (1) the con-  
 5 struction, reconstruction, or erection of which of began  
 6 after the effective date of this Act, or (2) which was ac-  
 7 quired by the taxpayer on or after the effective date of  
 8 this Act and not pursuant to a binding contract which was  
 9 in effect on the day prior to the effective date of this Act.

10 **SEC. 205. NUCLEAR ENERGY WORKFORCE.**

11       Section 1101 of the Energy Policy Act of 2005 (42  
 12 U.S.C. 16411) is amended—

13               (1) by redesignating subsection (d) as sub-  
 14 section (e); and

15               (2) by inserting after subsection (c) the fol-  
 16 lowing:

17       “(d) **WORKFORCE TRAINING.**—

18               “(1) **IN GENERAL.**—The Secretary of Labor, in  
 19 cooperation with the Secretary of Energy, shall pro-  
 20 mulgate regulations to implement a program to pro-  
 21 vide workforce training to meet the high demand for  
 22 workers skilled in the nuclear utility and nuclear en-  
 23 ergy products and services industries.

24               “(2) **CONSULTATION.**—In carrying out this sub-  
 25 section, the Secretary of Labor shall consult with

1       representatives of the nuclear utility and nuclear en-  
 2       ergy products and services industries, and organized  
 3       labor, concerning skills that are needed in those in-  
 4       dustries.

5               “(3) AUTHORIZATION OF APPROPRIATIONS.—

6       There are authorized to be appropriated to the Sec-  
 7       retary of Labor, working in coordination with the  
 8       Secretaries of Education and Energy \$20,000,000  
 9       for each of fiscal years 2008 through 2012 for use  
 10      in implementing a program to provide workforce  
 11      training to meet the high demand for workers skilled  
 12      in the nuclear utility and nuclear energy products  
 13      and services industries.”.

14   **SEC. 206. INVESTMENT TAX CREDIT FOR INVESTMENTS IN**  
 15               **NUCLEAR POWER FACILITIES.**

16       (a) NEW CREDIT FOR NUCLEAR POWER FACILI-  
 17   TIES.—Section 46 of the Internal Revenue Code of 1986,  
 18   as amended by this Act, is amended by—

19               (1) striking “and” at the end of paragraph (4);

20               (2) striking the period at the end of paragraph

21       (5) and inserting “, and”; and

22               (3) inserting after paragraph (5) the following  
 23   new paragraph:

24               “(6) the nuclear power facility construction  
 25   credit.”.

1       (b) NUCLEAR POWER FACILITY CONSTRUCTION  
 2 CREDIT.—Subpart E of part IV of subchapter A of chap-  
 3 ter 1 of such Code, as amended by this Act, is amended  
 4 by inserting after section 48C the following new section:  
 5 **“SEC. 48D. NUCLEAR POWER FACILITY CONSTRUCTION**  
 6 **CREDIT.**

7       “(a) IN GENERAL.—For purposes of section 46, the  
 8 nuclear power facility construction credit for any taxable  
 9 year is 10 percent of the qualified nuclear power facility  
 10 expenditures with respect to a qualified nuclear power fa-  
 11 cility.

12       “(b) WHEN EXPENDITURES TAKEN INTO AC-  
 13 COUNT.—

14               “(1) IN GENERAL.—Qualified nuclear power fa-  
 15 cility expenditures shall be taken into account for  
 16 the taxable year in which the qualified nuclear power  
 17 facility is placed in service.

18               “(2) COORDINATION WITH SUBSECTION (C).—  
 19 The amount which would (but for this paragraph) be  
 20 taken into account under paragraph (1) with respect  
 21 to any qualified nuclear power facility shall be re-  
 22 duced (but not below zero) by any amount of quali-  
 23 fied nuclear power facility expenditures taken into  
 24 account under subsection (c) by the taxpayer or a  
 25 predecessor of the taxpayer (or, in the case of a sale

1 and leaseback described in section 50(a)(2)(C), by  
2 the lessee), to the extent any amount so taken into  
3 account has not been required to be recaptured  
4 under section 50(a).

5 “(c) PROGRESS EXPENDITURES.—

6 “(1) IN GENERAL.—A taxpayer may elect to  
7 take into account qualified nuclear power facility ex-  
8 penditures:

9 “(A) SELF-CONSTRUCTED PROPERTY.—In  
10 the case of a qualified nuclear power facility  
11 which is a self-constructed facility, in the tax-  
12 able year for which such expenditures are prop-  
13 erly chargeable to capital account with respect  
14 to such facility, and

15 “(B) ACQUIRED FACILITY.—In the case of  
16 a qualified nuclear facility which is not self-con-  
17 structed property, in the taxable year in which  
18 such expenditures are paid.

19 “(2) SPECIAL RULES FOR APPLYING PARA-  
20 GRAPH (1).—For purposes of paragraph (1):

21 “(A) COMPONENT PARTS, ETC.—Property  
22 which is not self-constructed property and  
23 which is to be a component part of, or is other-  
24 wise to be included in, any facility to which this

subsection applies shall be taken into account in accordance with paragraph (1)(B).

“(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility.

“(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

“(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the amount which represents the portion of the overall cost to the taxpayer of the facility or component of a facility which is properly attributable to the portion of the facility or component which is completed during such taxable year.

“(ii) CARRY-OVER OF CERTAIN AMOUNTS.—In the case of a facility or

1 component of a facility which is not self-  
2 constructed, if for the taxable year—

3 “(I) the amount which (but for  
4 clause (i)) would have been taken into  
5 account under paragraph (1)(B) ex-  
6 ceeds the limitation of clause (i), then  
7 the amount of such excess shall be  
8 taken into account under paragraph  
9 (1)(B) for the succeeding taxable  
10 year, or

11 “(II) the limitation of clause (i)  
12 exceeds the amount taken into ac-  
13 count under paragraph (1)(B), then  
14 the amount of such excess shall in-  
15 crease the limitation of clause (i) for  
16 the succeeding taxable year.

17 “(D) DETERMINATION OF PERCENTAGE OF  
18 COMPLETION.—The determination under sub-  
19 paragraph (C)(i) of the portion of the overall  
20 cost to the taxpayer of the construction which  
21 is properly attributable to construction com-  
22 pleted during any taxable year shall be made on  
23 the basis of engineering or architectural esti-  
24 mates or on the basis of cost accounting  
25 records. Unless the taxpayer establishes other-

1 wise by clear and convincing evidence, the con-  
 2 struction shall be deemed to be completed not  
 3 more rapidly than ratably over the normal con-  
 4 struction period.

5 “(E) NO PROGRESS EXPENDITURES FOR  
 6 CERTAIN PRIOR PERIODS.—No qualified nuclear  
 7 facility expenditures shall be taken into account  
 8 under this subsection for any period before the  
 9 first day of the first taxable year to which an  
 10 election under this subsection applies.

11 “(F) NO PROGRESS EXPENDITURES FOR  
 12 PROPERTY FOR YEAR IT IS PLACED IN SERVICE,  
 13 ETC.—In the case of any qualified nuclear facil-  
 14 ity, no qualified nuclear facility expenditures  
 15 shall be taken into account under this sub-  
 16 section for the earlier of—

17 “(i) the taxable year in which the fa-  
 18 cility is placed in service, or

19 “(ii) the first taxable year for which  
 20 recapture is required under section  
 21 50(a)(2) with respect to such facility, or  
 22 for any taxable year thereafter.

23 “(3) SELF-CONSTRUCTED.—For purposes of  
 24 this subsection—

1           “(A) The term ‘self-constructed facility’  
2           means any facility if it is reasonable to believe  
3           that more than half of the qualified nuclear fa-  
4           cility expenditures for such facility will be made  
5           directly by the taxpayer.

6           “(B) A component of a facility shall be  
7           treated as not self-constructed if the cost of the  
8           component is at least 5 percent of the expected  
9           cost of the facility and the component is ac-  
10          quired by the taxpayer.

11          “(4) ELECTION.—An election shall be made  
12          under this section for a qualified nuclear power facil-  
13          ity by claiming the nuclear power facility construc-  
14          tion credit for expenditures described in paragraph  
15          (1) on a tax return filed by the due date for such  
16          return (taking into account extensions). Such an  
17          election shall apply to the taxable year for which  
18          made and all subsequent taxable years. Such an  
19          election, once made, may be revoked only with the  
20          consent of the Secretary.

21          “(d) DEFINITIONS AND SPECIAL RULES.—For pur-  
22          poses of this section:

23                 “(1) QUALIFIED NUCLEAR POWER FACILITY.—  
24                 The term ‘qualified nuclear power facility’ means an  
25                 advanced nuclear power facility, as defined in section

1 45J, the construction of which was approved by the  
 2 Nuclear Regulatory Commission on or before De-  
 3 cember 31, 2013.

4 “(2) QUALIFIED NUCLEAR POWER FACILITY  
 5 EXPENDITURES.—

6 “(A) IN GENERAL.—The term ‘qualified  
 7 nuclear power facility expenditures’ means any  
 8 amount properly chargeable to capital ac-  
 9 count—

10 “(i) with respect to a qualified nuclear  
 11 power facility;

12 “(ii) for which depreciation is allow-  
 13 able under section 168; and

14 “(iii) which are incurred before the  
 15 qualified nuclear power facility is placed in  
 16 service or in connection with the placement  
 17 of such facility in service.

18 “(B) PRE-EFFECTIVE DATE EXPENDI-  
 19 TURES.—Qualified nuclear power facility ex-  
 20 penditures do not include any expenditures in-  
 21 curred by the taxpayer before the effective date  
 22 of the \$150 Barrel Energy Extortion Act of  
 23 2008, unless such expenditures constitute less  
 24 than 20 percent of the total qualified nuclear  
 25 power facility expenditures (determined without

1           regard to this subparagraph) for the qualified  
2           nuclear power facility.

3           “(3) DELAYS AND SUSPENSION OF CONSTRUC-  
4       TION.—

5                   “(A) IN GENERAL.—For purposes of ap-  
6           plying this section and section 50, a nuclear  
7           power facility that is under construction shall  
8           cease to be treated as a facility that will be a  
9           qualified nuclear power facility as of the earlier  
10          of—

11                       “(i) the date on which the taxpayer  
12           decides to terminate construction of the fa-  
13           cility, or

14                       “(ii) the last day of any 24 month pe-  
15           riod in which the taxpayer has failed to  
16           incur qualified nuclear power facility ex-  
17           penditures totaling at least 20 percent of  
18           the expected total cost of the nuclear  
19           power facility.

20                   “(B) AUTHORITY TO WAIVE.—The Sec-  
21           retary may waive the application of clause (ii)  
22           of subparagraph (A) if the Secretary deter-  
23           mines that the taxpayer intended to continue  
24           the construction of the qualified nuclear power

1 facility and the expenditures were not incurred  
 2 for reasons outside the control of the taxpayer.

3 “(C) RESUMPTION OF CONSTRUCTION.—If  
 4 a nuclear power facility that is under construc-  
 5 tion ceases to be a qualified nuclear power facil-  
 6 ity by reason of paragraph (2) and work is sub-  
 7 sequently resumed on the construction of such  
 8 facility—

9 “(i) the date work is subsequently re-  
 10 sumed shall be treated as the date that  
 11 construction began for purposes of para-  
 12 graph (1), and

13 “(ii) if the facility is a qualified nu-  
 14 clear power facility, the qualified nuclear  
 15 power facility expenditures shall be deter-  
 16 mined without regard to any delay or tem-  
 17 porary termination of construction of the  
 18 facility.”.

19 (c) PROVISIONS RELATING TO CREDIT RECAP-  
 20 TURE.—

21 (1) PROGRESS EXPENDITURE RECAPTURE  
 22 RULES.—

23 (A) BASIC RULES.—Subparagraph (A) of  
 24 section 50(a)(2) of such Code is amended to  
 25 read as follows:

“(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48D(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, as the case may be, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.”.

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting “or paragraph (2) of section 48D(b)” after “paragraph (2) of section 47(b)”,

(ii) inserting “or section 48D(b)(1)” after “section 47(b)(1)”; and

1 (iii) inserting “or facility” after  
2 “building”.

3 (C) AMENDMENT OF SALE AND LEASE-  
4 BACK RULE.—Subparagraph (C) of section  
5 50(a)(2) of such Code is amended by—

6 (i) inserting “or section 48D(c)” after  
7 “section 47(d)”; and

8 (ii) inserting “or qualified nuclear  
9 power facility expenditures” after “quali-  
10 fied rehabilitation expenditures”.

11 (D) COORDINATION.—Subparagraph (D)  
12 of section 50(a)(2) of such Code is amended by  
13 inserting “or section 48D(c)” after “section  
14 47(d)”.

15 (d) NO BASIS ADJUSTMENT.—Section 50(c) of such  
16 Code is amended by inserting at the end thereof the fol-  
17 lowing new paragraph:

18 “(6) NUCLEAR POWER FACILITY CONSTRUC-  
19 TION CREDIT.—Paragraphs (1) and (2) shall not  
20 apply to the nuclear power facility construction cred-  
21 it.”.

22 (e) CLERICAL AMENDMENT.—The table of sections  
23 for subpart E of part IV of subchapter A of chapter 1  
24 of such Code is amended by inserting after the item for  
25 section 48C the following new item:

“Sec. 48D. Nuclear power facility construction credit.”.

1       (f) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to expenditures incurred and prop-  
3 erty placed in service in taxable years beginning after the  
4 effective date of this Act.

5 **SEC. 207. NATIONAL NUCLEAR ENERGY COUNCIL.**

6       (a) IN GENERAL.—

7           (1) The Secretary of Energy shall establish a  
8 National Nuclear Energy Council (hereinafter the  
9 “Council”).

10          (2) The Council shall be subject to the require-  
11 ments of the Federal Advisory Committee Act (5  
12 U.S.C. Appendix 2).

13       (b) PURPOSE.—The Council shall—

14           (1) serve in an advisory capacity to the Sec-  
15 retary of Energy regarding nuclear energy on mat-  
16 ters submitted to the Council by the Secretary of  
17 Energy; and

18           (2) advise, inform, and make recommendations  
19 to the Secretary of Energy, and represent the views  
20 of the nuclear energy industry with respect to any  
21 matter relating to nuclear energy.

22       (c) MEMBERSHIP AND ORGANIZATION.—

23           (1) The members of the Council shall be ap-  
24 pointed by the Secretary of Energy.

1           (2) The Council may establish such study and  
2       administrative committees as it may deem appro-  
3       priate. Study committees shall only assist the Coun-  
4       cil in preparing its advice, information, or rec-  
5       ommendations to the Secretary of Energy. Adminis-  
6       trative committees shall be formed solely for the  
7       purpose of assisting the Council or its Chairman in  
8       the management of the internal affairs of the Coun-  
9       cil.

10          (3) The officers of the Council shall consist of  
11       a Chairman, a Vice Chairman, and such other offi-  
12       cers as may be approved by the Council. The Chair-  
13       man and Vice Chairman must be members of the  
14       Council and shall receive no compensation for service  
15       as officers of the Council.

16          (4) The Secretary of Energy shall be Cochair-  
17       man of the Council. If the Secretary of Energy des-  
18       ignates a full-time, salaried official of the Depart-  
19       ment of Energy as his alternate, such alternate may  
20       exercise any duties of the Secretary of Energy and  
21       may perform any function on the Council otherwise  
22       reserved for the Secretary of Energy.

23          (5) The Chairman and the Vice Chairman shall  
24       be elected by the Council at its organizational meet-

1 ing to serve until their successors are elected at the  
2 next organizational meeting of the Council.

3 (d) MEETINGS.—

4 (1) Regular meetings of the Council shall be  
5 held at least twice each year at times determined by  
6 the Chairman and approved by the Government Co-  
7 chairman.

8 (2) No meeting of the Council shall be held un-  
9 less the Government Cochairman approves the agen-  
10 da thereof, approves the calling thereof, and is  
11 present thereat.

12 (3) The time and place of all Council meetings  
13 shall be given general publicity and such meetings  
14 shall be open to the public.

15 (e) STUDIES BY THE COUNCIL.—

16 (1) The Council may establish study committees  
17 to prepare reports for the consideration of the Coun-  
18 cil pursuant to requests from the Secretary of En-  
19 ergy for advice, information, and recommendations.

20 (2) The Secretary of Energy or a full-time em-  
21 ployee of the Department of Energy designated by  
22 the Secretary shall be the Cochairman of each study  
23 committee.

24 (3) The members of study committees shall be  
25 selected from the Council membership on the basis

1 of their training, experience, and general qualifica-  
2 tions to deal with the matters assigned.

3 **SEC. 208. TEMPORARY SPENT NUCLEAR FUEL STORAGE**  
4 **AGREEMENTS.**

5 (a) AUTHORIZATION AND LOCATION.—The Secretary  
6 of Energy (in this section referred to as the “Secretary”)  
7 is authorized to initiate spent nuclear fuel storage agree-  
8 ments as provided in this section.

9 (1) No later than 180 days from the effective  
10 date of this Act, representatives of a community  
11 may submit written notice to the Secretary that the  
12 community is willing to host a temporary spent nu-  
13 clear fuel storage facility within its jurisdiction.

14 (2) Within 90 days of the receipt of the notifi-  
15 cation under paragraph (1), the Secretary shall de-  
16 termine whether the identified site is suitable for a  
17 temporary storage facility. In determining the site’s  
18 suitability, the Secretary shall evaluate technical fea-  
19 sibility and consider favorably local support for collo-  
20 cating a temporary spent nuclear fuel storage facil-  
21 ity with facilities intended to develop and implement  
22 advanced nuclear fuel cycle technologies.

23 (b) CONTENT OF AGREEMENTS.—(1) If the Sec-  
24 retary determines one or more sites to be suitable in ac-  
25 cordance with subsection (a)(2), negotiation of a tem-

1 porary spent nuclear fuel storage facility agreement shall  
2 proceed.

3 (2) Any temporary spent nuclear fuel storage agree-  
4 ment shall contain such terms and conditions, including  
5 financial, institutional, and such other arrangements as  
6 the Secretary and community determine to be reasonable  
7 and appropriate.

8 (3) Any temporary spent nuclear fuel storage agree-  
9 ment may be amended only with the mutual consent of  
10 the parties to the agreement.

11 (c) ENVIRONMENTAL IMPACT STATEMENT.—Execu-  
12 tion of a temporary spent nuclear fuel storage agreement  
13 shall not require preparation of an environmental impact  
14 statement under section 102(2)(C) of the National Envi-  
15 ronmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or  
16 require any environmental review under subparagraph (E)  
17 or (F) of section 102(2) of such Act (42 U.S.C.  
18 4332(2)(E), (F)).

19 (d) IMPLEMENTATION OF TEMPORARY SPENT NU-  
20 CLEAR FUEL STORAGE AGREEMENTS.—

21 (1) IN GENERAL.—Any temporary spent nu-  
22 clear fuel storage agreement or agreements entered  
23 into under this section shall enter into force with re-  
24 spect to the United States if (and only if)—

1 (A) the Secretary, at least 60 days before  
2 the day on which he or she enters into the tem-  
3 porary spent nuclear fuel storage agreement or  
4 agreements notifies the House of Representa-  
5 tives and the Senate of his intention to enter  
6 into the agreement or agreements, and prompt-  
7 ly thereafter publishes notice of such intention  
8 in the Federal Register;

9 (B) the Governor of the State or States in  
10 which the facility is proposed to be located sub-  
11 mits written notice to the Secretary that the  
12 Governor supports the temporary spent nuclear  
13 fuel storage agreement; and

14 (C) after entering into the agreement, the  
15 Secretary submits to the House of Representa-  
16 tives and to the Senate a copy of the final text  
17 of the agreement, together with—

18 (i) a draft of an implementing bill;

19 and

20 (ii) a statement of any administrative  
21 action proposed to implement the agree-  
22 ment.

23 (2) APPLICATION OF EXPEDITED PROCEDURES  
24 TO IMPLEMENTING BILLS.—The provisions of sub-  
25 section (e) apply to implementing bills submitted

1 with respect to temporary spent nuclear fuel storage  
2 agreements entered into and submitted pursuant to  
3 this section.

4 (e) EXPEDITED PROCEDURES FOR CONGRESSIONAL  
5 REVIEW OF TEMPORARY SPENT NUCLEAR FUEL STOR-  
6 AGE AGREEMENTS.—

7 (1) RULES OF HOUSE OF REPRESENTATIVE  
8 AND SENATE.—The provisions of this subsection are  
9 enacted by the Congress—

10 (A) as an exercise of the rulemaking power  
11 of the House of Representatives and the Sen-  
12 ate, respectively, and as such they are deemed  
13 a part of the rules of each House, respectively,  
14 but applicable only with respect to the proce-  
15 dure to be followed in that House in the case  
16 of implementing bills and approval resolutions;  
17 and they supersede other rules only to the ex-  
18 tent that they are inconsistent therewith; and

19 (B) with full recognition of the constitu-  
20 tional right of either House to change the rules  
21 (so far as relating to the procedure of that  
22 House at any time, in the same manner and to  
23 the same extent as in the case of any other rule  
24 of that House.

1           (2) DEFINITIONS.—For purposes of this sub-  
2       section—

3           (A) The term “community” means any en-  
4       tity of local government appropriate, in terms  
5       of legal authority, for negotiating and entering  
6       into temporary spent nuclear fuel storage agree-  
7       ments provided for in this section.

8           (B) The term “implementing bill” means  
9       only a bill of either House of Congress which is  
10      introduced as provided in paragraph (3) with  
11      respect to one or more temporary spent nuclear  
12      fuel storage agreements and which contain—

13           (i) a provision approving such storage  
14      agreements;

15           (ii) a provision approving the state-  
16      ment of administrative action (if any) pro-  
17      posed to implement such storage agree-  
18      ments;

19           (iii) if changes in existing laws or new  
20      statutory authority is required to imple-  
21      ment such storage agreement or agree-  
22      ments, provisions necessary or appropriate  
23      to implement such agreement or agree-  
24      ments either repealing or amending exist-

1 ing laws or providing new statutory au-  
2 thority; and

3 (iv) a provision containing revenue  
4 measures (if any), by reason of which the  
5 bill must originate in the House of Rep-  
6 resentatives as provided for in paragraph  
7 (3).

8 (C) The term “approval resolution” means  
9 only a joint resolution of the two Houses of the  
10 Congress, the matter after the resolving clause  
11 of which is as follows: “That the Congress ap-  
12 proves the temporary spent nuclear fuel storage  
13 agreement between the Secretary of Energy and  
14 \_\_\_\_\_ on \_\_\_\_\_,” the first blank space being  
15 filled with the name of the governor involved  
16 and the second blank space being filled in with  
17 the appropriate date.

18 (3) INTRODUCTION AND REFERRAL.—On the  
19 day on which the temporary spent nuclear fuel stor-  
20 age agreement is submitted to the House of Rep-  
21 resentatives and the Senate under this section, the  
22 implementing bill submitted by the Secretary with  
23 respect to such temporary spent nuclear fuel storage  
24 agreement shall be introduced (by request) in the  
25 House by the majority leader of the House, for him-

1 self and the minority leader of the House, or by  
2 Members of the House designated by the majority  
3 leader and minority leader of the House; and shall  
4 be introduced (by request) in the Senate by the ma-  
5 jority leader of the Senate, for himself and the mi-  
6 nority leader of the Senate, or by Members of the  
7 Senate designated by the majority leader and minor-  
8 ity leader of the Senate. If either House is not in  
9 session on the day on which such temporary spent  
10 nuclear fuel storage agreement is submitted, the im-  
11 plementing bill shall be introduced in that House, as  
12 provided in the preceding sentence, on the first day  
13 thereafter on which that House is in session. Such  
14 bills shall be referred by the Presiding Officers of  
15 the respective Houses to the appropriate committee,  
16 or, in the case of a bill containing provisions within  
17 the jurisdiction of two or more committees, jointly to  
18 such committees for consideration of those provi-  
19 sions within their respective jurisdictions.

20 (4) AMENDMENTS PROHIBITED.—No amend-  
21 ment to an implementing bill or approval resolution  
22 shall be in order in either the House of Representa-  
23 tives or the Senate; and no motion to suspend the  
24 application of this paragraph shall be in order in ei-  
25 ther House, nor shall it be in order in either House

1 for the Presiding Officer to entertain a request to  
2 suspend the application of this paragraph by unani-  
3 mous consent.

4 (5) PERIOD FOR COMMITTEE AND FLOOR CON-  
5 sideration.—

6 (A) Except as provided in subparagraph  
7 (B), if the committee or committees of either  
8 House to which an implementing bill or ap-  
9 proval resolution has been referred have not re-  
10 ported it at the close of the 45th day after its  
11 introduction, such committee or committees  
12 shall be automatically discharged from further  
13 consideration of the bill or resolution and it  
14 shall be placed on the appropriate calendar. A  
15 vote on final passage of the bill or resolution  
16 shall be taken in each House on or before the  
17 close of the 15th day after the bill or resolution  
18 is reported by the committee or committees of  
19 that House to which it was referred, or after  
20 such committee or committees have been dis-  
21 charged from further consideration of the bill or  
22 resolution. If prior to the passage by one House  
23 of an implementing bill or approval resolution  
24 of that House, that House receives the same

1 implementing bill or approval resolution from  
2 the other House, then—

3 (i) the procedure in that House shall  
4 be the same as if no implementation bill or  
5 approval resolution had been received from  
6 the other House, but

7 (ii) the vote on final passage shall be  
8 on the implementing bill or approval reso-  
9 lution of the other House.

10 (B) For purposes of computing a number  
11 of days in either House as provided for in sub-  
12 paragraph (A), there shall be excluded any day  
13 on which that House is not in session.

14 (C) If the implementing bill contains one  
15 or more revenue measures—

16 (i) the provisions of subparagraph (A)  
17 shall not apply; and

18 (ii) the Senate shall not take final ac-  
19 tion on the bill until it is received from the  
20 House.

21 (6) FLOOR CONSIDERATION IN THE HOUSE.—

22 (A) A motion in the House of Representa-  
23 tives to proceed to the consideration of an im-  
24 plementing bill or approval resolution shall be  
25 highly privileged and not debatable. An amend-

1           ment to the motion shall not be in order, nor  
2           shall it be in order to move to reconsider the  
3           vote by which the motion is agreed to or dis-  
4           agreed to.

5           (B) Debate in the House of Representa-  
6           tives on an implementing bill or approval reso-  
7           lution shall be limited to not more than 10  
8           hours, which shall be divided equally between  
9           those favoring and those opposing the bill or  
10          resolution. A motion further to limit debate  
11          shall not be debatable. It shall not be in order  
12          to move to recommit an implementing bill or  
13          approval resolution or to move to reconsider the  
14          vote by which an implementing bill or approval  
15          resolution is agreed to or disagreed to.

16          (C) Motions to postpone, made in the  
17          House of Representatives with respect to the  
18          consideration of an implementing bill or ap-  
19          proval resolution, and motions to proceed to the  
20          consideration of other business, shall be decided  
21          without debate. If a motion to proceed to con-  
22          sideration is agreed to, such resolution shall re-  
23          main unfinished business of House until dis-  
24          posed of.

1           (D) All appeals from the decisions of the  
2           Chair relating to the application of the Rules of  
3           the House of Representatives to the procedure  
4           relating to an implementing bill or approval res-  
5           olution shall be decided without debate.

6           (E) Except to the extent specifically pro-  
7           vided in the preceding provisions of this para-  
8           graph, consideration of an implementing bill or  
9           approval resolution shall be governed by the  
10          Rules of the House of Representatives applica-  
11          ble to other bills and resolutions in similar cir-  
12          cumstances.

13          (7) FLOOR CONSIDERATION IN THE SENATE.—

14          (A) A motion in the Senate to proceed to  
15          the consideration of an implementing bill or ap-  
16          proval resolution shall be privileged and not de-  
17          batable. An amendment to the motion shall not  
18          be in order, nor shall it be in order to move to  
19          reconsider the vote by which the motion is  
20          agreed to or disagreed to.

21          (B) Debate in the Senate on an imple-  
22          menting bill or approval resolution, and all de-  
23          batable motions and appeals in connection  
24          therewith, shall be limited to not more than 10  
25          hours. The time shall be equally divided be-

1           tween, and controlled by, the majority leader  
2           and the minority leader or their designees.

3           (C) Debate in the Senate on any debatable  
4           motion or appeal in connection with an imple-  
5           menting bill or approval resolution shall be lim-  
6           ited to not more than 1 hour, to be equally di-  
7           vided between, and controlled by, the mover and  
8           the manager of the bill or resolution, except  
9           that in the event the manager of the bill or res-  
10          olution is in favor of any such motion or appeal,  
11          the time in opposition thereto shall be con-  
12          trolled by the minority leader or his designee.  
13          Such leaders, or either of them, may, from time  
14          under their control on the passage of an imple-  
15          menting bill or approval resolution, allot addi-  
16          tional time to any Senator during the consider-  
17          ation of any debatable motion or appeal.

18          (D) A motion in the Senate to further  
19          limit debate is not debatable. A motion to re-  
20          commit an implementation bill or approval reso-  
21          lution is not in order.

22   **SEC. 209. CONFIDENCE IN AVAILABILITY OF WASTE DIS-**  
23           **POSAL.**

24          (a) CONGRESSIONAL DETERMINATION.—The Con-  
25   gress finds that—

1           (1) there is reasonable assurance that high-level  
2       radioactive waste and spent nuclear fuel generated  
3       in reactors licensed by the Nuclear Regulatory Com-  
4       mission in the past, currently, or in the future will  
5       be managed in a safe manner without significant en-  
6       vironmental impact until capacity for ultimate dis-  
7       posal is available; and

8           (2) the Federal Government is responsible and  
9       has an established a policy for the ultimate safe and  
10      environmentally sound disposal of such high-level ra-  
11      dioactive waste and spent nuclear fuel.

12      (b)     REGULATORY     CONSIDERATION.—Notwith-  
13   standing any other provision of law, for the period fol-  
14   lowing the licensed operation of a civilian nuclear power  
15   reactor or any facility for the treatment or storage of  
16   spent nuclear fuel or high-level radioactive waste, no con-  
17   sideration of the public health and safety, common defense  
18   and security, or environmental impacts of the storage of  
19   high-level radioactive waste and spent nuclear fuel gen-  
20   erated in reactors licensed by the Nuclear Regulatory  
21   Commission in the past, currently, or in the future, is re-  
22   quired by the Department of Energy or the Nuclear Regu-  
23   latory Commission in connection with the development,  
24   construction, and operation of, or any permit, license, li-  
25   cense amendment, or siting approval for, a civilian nuclear

1 power reactor or any facility for the treatment or storage  
 2 of spent nuclear fuel or high-level radioactive waste. Noth-  
 3 ing in this section shall affect the Department of Energy’s  
 4 and Nuclear Regulatory Commission’s obligation to con-  
 5 sider the public health and safety, common defense and  
 6 security, and environmental impacts of storage during the  
 7 period of licensed operation of a civilian nuclear power re-  
 8 actor or facility for the treatment or storage of spent nu-  
 9 clear fuel or high-level radioactive waste.

## 10 **TITLE III—DRILLING**

### 11 **Subtitle A—Tax Provisions**

#### 12 **SEC. 301. CREDIT FOR PRODUCING FUEL FROM NON-** 13 **CONVENTIONAL SOURCES TO APPLY TO GAS** 14 **PRODUCED ONSHORE FROM FORMATIONS** 15 **MORE THAN 15,000 FEET DEEP.**

16 (a) IN GENERAL.—Subparagraph (B) of section  
 17 45K(c)(1) of the Internal Revenue Code of 1986 is amend-  
 18 ed by striking “or” at the end of clause (i), by striking  
 19 “and” at the end of clause (ii) and inserting “or”, and  
 20 by inserting after clause (ii) the following new clause:

21 “(iii) an onshore well from a forma-  
 22 tion more than 15,000 feet deep, and”.

23 (b) ELIGIBLE DEEP GAS WELLS.—Section 45K of  
 24 such Code is amended by adding at the end the following  
 25 new subsection:

1       “(h) ELIGIBLE DEEP GAS WELLS.—In the case of  
 2 a well producing qualified fuel described in subsection  
 3 (c)(1)(B)(iii)—

4               “(1) for purposes of subsection (e)(1)(A), such  
 5 well shall be treated as drilled before January 1,  
 6 1993, if such well is drilled after the date of the en-  
 7 actment of the \$150 Barrel Energy Extortion Act of  
 8 2008, and

9               “(2) subsection (e)(2) shall not apply.”.

10       (c) EFFECTIVE DATE.—The amendments made by  
 11 this section shall apply to taxable years ending after the  
 12 effective date of this Act.

13 **SEC. 302. TAX CREDIT FOR CARBON DIOXIDE CAPTURED**  
 14 **FROM INDUSTRIAL SOURCES AND USED IN**  
 15 **ENHANCED OIL AND NATURAL GAS RECOV-**  
 16 **ERY.**

17       (a) IN GENERAL.—Subpart D of part IV of sub-  
 18 chapter A of chapter 1 of the Internal Revenue Code of  
 19 1986 (relating to business credits) is amended by adding  
 20 at the end the following new section:

1   **“SEC. 45Q. CREDIT FOR CARBON DIOXIDE CAPTURED FROM**  
2                   **INDUSTRIAL SOURCES AND USED AS A TER-**  
3                   **TIARY INJECTANT IN ENHANCED OIL AND**  
4                   **NATURAL GAS RECOVERY.**

5       “(a) GENERAL RULE.—For purposes of section 38,  
6 the captured carbon dioxide tertiary injectant credit for  
7 any taxable year is an amount equal to the product of—

8               “(1) the credit amount, and

9               “(2) the qualified carbon dioxide captured from  
10 industrial sources and used as a tertiary injectant in  
11 qualified enhanced oil and natural gas recovery  
12 which is attributable to the taxpayer.

13       “(b) CREDIT AMOUNT.—For purposes of this sec-  
14 tion—

15               “(1) IN GENERAL.—The credit amount is \$0.75  
16 per 1,000 standard cubic feet.

17               “(2) INFLATION ADJUSTMENT.—In the case of  
18 any taxable year beginning in a calendar year after  
19 2008, there shall be substituted for the \$0.75  
20 amount under paragraph (1) an amount equal to the  
21 product of—

22                       “(A) \$0.75, multiplied by

23                       “(B) the inflation adjustment factor for  
24 such calendar year determined under section  
25 43(b)(3)(B) for such calendar year, determined  
26 by substituting ‘2006’ for ‘1990’.

1       “(c) QUALIFIED CARBON DIOXIDE.—For purposes of  
2 this section—

3           “(1) IN GENERAL.—The term ‘qualified carbon  
4 dioxide’ means carbon dioxide captured from an an-  
5 thropogenic source that—

6           “(A) would otherwise be released into the  
7 atmosphere as industrial emission of green-  
8 house gas,

9           “(B) is measurable at the source of cap-  
10 ture,

11           “(C) is compressed, treated, and trans-  
12 ported via pipeline,

13           “(D) is sold as a tertiary injectant in  
14 qualified enhanced oil and natural gas recovery,  
15 and

16           “(E) is permanently sequestered in geologi-  
17 cal formations as a result of the enhanced oil  
18 and natural gas recovery process.

19           “(2) ANTHROPOGENIC SOURCE.—An anthropo-  
20 genic source of carbon dioxide is an industrial  
21 source, including any of the following types of  
22 plants, and facilities related to such plant—

23           “(A) a coal and natural gas fired electrical  
24 generating power station,

1                   “(B) a natural gas processing and treating  
2                   plant,

3                   “(C) an ethanol plant,

4                   “(D) a fertilizer plant, and

5                   “(E) a chemical plant.

6                   “(3) DEFINITIONS.—

7                   “(A) QUALIFIED ENHANCED OIL AND NAT-  
8                   URAL GAS RECOVERY.—The term ‘qualified en-  
9                   hanced oil and natural gas recovery’ has the  
10                  meaning given such term by section 43(c)(2).

11                  “(B) TERTIARY INJECTANT.—The term  
12                  ‘tertiary injectant’ has the same meaning as  
13                  when used within section 193(b)(1).

14                  “(d) OTHER DEFINITIONS AND SPECIAL RULES.—  
15                  For purposes of this section—

16                  “(1) ONLY CARBON DIOXIDE CAPTURED WITH-  
17                  IN THE UNITED STATES TAKEN INTO ACCOUNT.—  
18                  Sales shall be taken into account under this section  
19                  only with respect to qualified carbon dioxide of  
20                  which is within—

21                  “(A) the United States (within the mean-  
22                  ing of section 638(1)), or

23                  “(B) a possession of the United States  
24                  (within the meaning of section 638(2)).

1           “(2) RECYCLED CARBON DIOXIDE.—The term  
 2           ‘qualified carbon dioxide’ includes the initial deposit  
 3           of captured carbon dioxide used as a tertiary  
 4           injectant. Such term does not include carbon dioxide  
 5           that is re-captured, recycled, and re-injected as part  
 6           of the enhanced oil and natural gas recovery process.

7           “(3) CREDIT ATTRIBUTABLE TO TAXPAYER.—  
 8           Any credit under this section shall be attributable to  
 9           the person that captures, treats, compresses, trans-  
 10          ports and sells the carbon dioxide for use as a ter-  
 11          tiary injectant in enhanced oil and natural gas re-  
 12          covery, except to the extent provided in regulations  
 13          prescribed by the Secretary.”.

14          (b) CONFORMING AMENDMENT.—Section 38(b) (re-  
 15          lating to general business credit) is amended by striking  
 16          “plus” at the end of paragraph (32), by striking the period  
 17          at the end of paragraph (33) and inserting “, plus”, and  
 18          by adding at the end of following new paragraph:

19                 “(34) the captured carbon dioxide tertiary  
 20          injectant credit determined under section 45P(a).”.

21          (c) CLERICAL AMENDMENT.—The table of sections  
 22          for subpart B of part IV of subchapter A of chapter 1  
 23          (relating to other credits) is amended by adding at the  
 24          end the following new section:

“Sec. 45Q. Credit for carbon dioxide captured from industrial sources and used  
   as a tertiary injectant in enhanced oil and natural gas recov-  
   ery.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 the effective date of this Act.

4 **Subtitle B—Termination of Con-**  
5 **gressional Moratoria on Oil and**  
6 **Gas Development on the Outer**  
7 **Continental Shelf**

8 **SEC. 311. TERMINATION OF LAWS PROHIBITING EXPENDI-**  
9 **TURES FOR OIL AND NATURAL GAS LEASING**  
10 **AND PRELEASING ACTIVITIES REGARDING**  
11 **AREAS OF THE OUTER CONTINENTAL SHELF.**

12 All provisions of existing Federal law prohibiting the  
13 spending of appropriated funds to conduct oil and natural  
14 gas leasing and preleasing activities for any area of the  
15 Outer Continental Shelf shall have no force or effect.

16 **Subtitle C—Oil and Gas Develop-**  
17 **ment on the Coastal Plain of**  
18 **Alaska**

19 **SEC. 321. SHORT TITLE.**

20 This subtitle may be cited as the “American-Made  
21 Energy and Good Jobs Act”.

22 **SEC. 322. DEFINITIONS.**

23 In this subtitle:

1           (1) COASTAL PLAIN.—The term “Coastal  
2       Plain” means that area described in appendix I to  
3       part 37 of title 50, Code of Federal Regulations.

4           (2) SECRETARY.—The term “Secretary”, except  
5       as otherwise provided, means the Secretary of the  
6       Interior or the Secretary’s designee.

7       **SEC. 323. LEASING PROGRAM FOR LANDS WITHIN THE**  
8                               **COASTAL PLAIN.**

9           (a) IN GENERAL.—The Secretary shall take such ac-  
10       tions as are necessary—

11           (1) to establish and implement, in accordance  
12       with this subtitle and acting through the Director of  
13       the Bureau of Land Management in consultation  
14       with the Director of the United States Fish and  
15       Wildlife Service, a competitive oil and gas leasing  
16       program that will result in an environmentally sound  
17       program for the exploration, development, and pro-  
18       duction of the oil and gas resources of the Coastal  
19       Plain; and

20           (2) to administer the provisions of this subtitle  
21       through regulations, lease terms, conditions, restric-  
22       tions, prohibitions, stipulations, and other provisions  
23       that ensure the oil and gas exploration, development,  
24       and production activities on the Coastal Plain will  
25       result in no significant adverse effect on fish and

1 wildlife, their habitat, subsistence resources, and the  
2 environment, including, in furtherance of this goal,  
3 by requiring the application of the best commercially  
4 available technology for oil and gas exploration, de-  
5 velopment, and production to all exploration, devel-  
6 opment, and production operations under this sub-  
7 title in a manner that ensures the receipt of fair  
8 market value by the public for the mineral resources  
9 to be leased.

10 (b) REPEAL.—

11 (1) REPEAL.—Section 1003 of the Alaska Na-  
12 tional Interest Lands Conservation Act of 1980 (16  
13 U.S.C. 3143) is repealed.

14 (2) CONFORMING AMENDMENT.—The table of  
15 contents in section 1 of such Act is amended by  
16 striking the item relating to section 1003.

17 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-  
18 TAIN OTHER LAWS.—

19 (1) COMPATIBILITY.—For purposes of the Na-  
20 tional Wildlife Refuge System Administration Act of  
21 1966 (16 U.S.C. 668dd et seq.), the oil and gas  
22 leasing program and activities authorized by this  
23 section in the Coastal Plain are deemed to be com-  
24 patible with the purposes for which the Arctic Na-  
25 tional Wildlife Refuge was established, and no fur-

1       ther findings or decisions are required to implement  
2       this determination.

3           (2) ADEQUACY OF THE DEPARTMENT OF THE  
4       INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT  
5       STATEMENT.—The “Final Legislative Environ-  
6       mental Impact Statement” (April 1987) on the  
7       Coastal Plain prepared pursuant to section 1002 of  
8       the Alaska National Interest Lands Conservation  
9       Act of 1980 (16 U.S.C. 3142) and section 102(2)(C)  
10      of the National Environmental Policy Act of 1969  
11      (42 U.S.C. 4332(2)(C)) is deemed to satisfy the re-  
12      quirements under the National Environmental Policy  
13      Act of 1969 that apply with respect to prelease ac-  
14      tivities, including actions authorized to be taken by  
15      the Secretary to develop and promulgate the regula-  
16      tions for the establishment of a leasing program au-  
17      thorized by this subtitle before the conduct of the  
18      first lease sale.

19           (3) COMPLIANCE WITH NEPA FOR OTHER AC-  
20      TIONS.—Before conducting the first lease sale under  
21      this subtitle, the Secretary shall prepare an environ-  
22      mental impact statement under the National Envi-  
23      ronmental Policy Act of 1969 with respect to the ac-  
24      tions authorized by this Act that are not referred to  
25      in paragraph (2). Notwithstanding any other law,

1 the Secretary is not required to identify nonleasing  
2 alternative courses of action or to analyze the envi-  
3 ronmental effects of such courses of action. The Sec-  
4 retary shall only identify a preferred action for such  
5 leasing and a single leasing alternative, and analyze  
6 the environmental effects and potential mitigation  
7 measures for those two alternatives. The identifica-  
8 tion of the preferred action and related analysis for  
9 the first lease sale under this subtitle shall be com-  
10 pleted within 18 months after the effective date of  
11 this Act. The Secretary shall only consider public  
12 comments that specifically address the Secretary's  
13 preferred action and that are filed within 20 days  
14 after publication of an environmental analysis. Not-  
15 withstanding any other law, compliance with this  
16 paragraph is deemed to satisfy all requirements for  
17 the analysis and consideration of the environmental  
18 effects of proposed leasing under this subtitle.

19 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-  
20 ITY.—Nothing in this subtitle shall be considered to ex-  
21 pand or limit State and local regulatory authority.

22 (e) SPECIAL AREAS.—

23 (1) IN GENERAL.—The Secretary, after con-  
24 sultation with the State of Alaska, the city of  
25 Kaktovik, and the North Slope Borough, may des-

1        designate up to a total of 45,000 acres of the Coastal  
2        Plain as a Special Area if the Secretary determines  
3        that the Special Area is of such unique character  
4        and interest so as to require special management  
5        and regulatory protection. The Secretary shall des-  
6        ignate as such a Special Area the Sadlerochit Spring  
7        area, comprising approximately 4,000 acres.

8            (2) MANAGEMENT.—Each such Special Area  
9        shall be managed so as to protect and preserve the  
10       area’s unique and diverse character including its  
11       fish, wildlife, and subsistence resource values.

12           (3) EXCLUSION FROM LEASING OR SURFACE  
13       OCCUPANCY.—The Secretary may exclude any Spe-  
14       cial Area from leasing. If the Secretary leases a Spe-  
15       cial Area, or any part thereof, for purposes of oil  
16       and gas exploration, development, production, and  
17       related activities, there shall be no surface occu-  
18       pancy of the lands comprising the Special Area.

19           (4) DIRECTIONAL DRILLING.—Notwithstanding  
20       the other provisions of this subsection, the Secretary  
21       may lease all or a portion of a Special Area under  
22       terms that permit the use of horizontal drilling tech-  
23       nology from sites on leases located outside the Spe-  
24       cial Area.

1       (f) LIMITATION ON CLOSED AREAS.—The Sec-  
 2 retary’s sole authority to close lands within the Coastal  
 3 Plain to oil and gas leasing and to exploration, develop-  
 4 ment, and production is that set forth in this subtitle.

5       (g) REGULATIONS.—

6           (1) IN GENERAL.—The Secretary shall pre-  
 7 scribe such regulations as may be necessary to carry  
 8 out this subtitle, including rules and regulations re-  
 9 lating to protection of the fish and wildlife, their  
 10 habitat, subsistence resources, and environment of  
 11 the Coastal Plain, by no later than 15 months after  
 12 the effective date of this Act.

13          (2) REVISION OF REGULATIONS.—The Sec-  
 14 retary shall periodically review and, if appropriate,  
 15 revise the rules and regulations issued under sub-  
 16 section (a) to reflect any significant biological, envi-  
 17 ronmental, or engineering data that come to the Sec-  
 18 retary’s attention.

19 **SEC. 324. LEASE SALES.**

20       (a) IN GENERAL.—Lands may be leased pursuant to  
 21 this subtitle to any person qualified to obtain a lease for  
 22 deposits of oil and gas under the Mineral Leasing Act (30  
 23 U.S.C. 181 et seq.).

24       (b) PROCEDURES.—The Secretary shall, by regula-  
 25 tion, establish procedures for—

1           (1) receipt and consideration of sealed nomina-  
2           tions for any area in the Coastal Plain for inclusion  
3           in, or exclusion (as provided in subsection (c)) from,  
4           a lease sale;

5           (2) the holding of lease sales after such nomina-  
6           tion process; and

7           (3) public notice of and comment on designa-  
8           tion of areas to be included in, or excluded from, a  
9           lease sale.

10          (c) LEASE SALE BIDS.—Bidding for leases under  
11 this subtitle shall be by sealed competitive cash bonus bids.

12          (d) ACREAGE MINIMUM IN FIRST SALE.—In the first  
13 lease sale under this subtitle, the Secretary shall offer for  
14 lease those tracts the Secretary considers to have the  
15 greatest potential for the discovery of hydrocarbons, tak-  
16 ing into consideration nominations received pursuant to  
17 subsection (b)(1), but in no case less than 200,000 acres.

18          (e) TIMING OF LEASE SALES.—The Secretary  
19 shall—

20           (1) conduct the first lease sale under this sub-  
21 title within 22 months after the effective date of this  
22 Act; and

23           (2) conduct additional sales so long as sufficient  
24 interest in development exists to warrant, in the Sec-  
25 retary's judgment, the conduct of such sales.

1   **SEC. 325. GRANT OF LEASES BY THE SECRETARY.**

2           (a) IN GENERAL.—The Secretary may grant to the  
3 highest responsible qualified bidder in a lease sale con-  
4 ducted pursuant to section 324 any lands to be leased on  
5 the Coastal Plain upon payment by the lessee of such  
6 bonus as may be accepted by the Secretary.

7           (b) SUBSEQUENT TRANSFERS.—No lease issued  
8 under this subtitle may be sold, exchanged, assigned, sub-  
9 let, or otherwise transferred except with the approval of  
10 the Secretary. Prior to any such approval the Secretary  
11 shall consult with, and give due consideration to the views  
12 of, the Attorney General.

13   **SEC. 326. LEASE TERMS AND CONDITIONS.**

14           An oil or gas lease issued pursuant to this subtitle  
15 shall—

16               (1) provide for the payment of a royalty of not  
17 less than 12½ percent in amount or value of the  
18 production removed or sold from the lease, as deter-  
19 mined by the Secretary under the regulations appli-  
20 cable to other Federal oil and gas leases;

21               (2) require that the lessee of lands within the  
22 Coastal Plain shall be fully responsible and liable for  
23 the reclamation of lands within the Coastal Plain  
24 and any other Federal lands that are adversely af-  
25 fected in connection with exploration, development,  
26 production, or transportation activities conducted

1 under the lease and within the Coastal Plain by the  
2 lessee or by any of the subcontractors or agents of  
3 the lessee;

4 (3) provide that the lessee may not delegate or  
5 convey, by contract or otherwise, the reclamation re-  
6 sponsibility and liability to another person without  
7 the express written approval of the Secretary;

8 (4) provide that the standard of reclamation for  
9 lands required to be reclaimed under this subtitle  
10 shall be, as nearly as practicable, a condition capable  
11 of supporting the uses which the lands were capable  
12 of supporting prior to any exploration, development,  
13 or production activities, or upon application by the  
14 lessee, to a higher or better use as approved by the  
15 Secretary;

16 (5) include requirements and restrictions to  
17 provide for reasonable protection of fish and wildlife,  
18 their habitat, subsistence resources, and the environ-  
19 ment as determined by the Secretary;

20 (6) prohibit the export of oil produced under  
21 the lease; and

22 (7) contain such other provisions as the Sec-  
23 retary determines necessary to ensure compliance  
24 with the provisions of this subtitle and the regula-  
25 tions issued under this subtitle.

1 **SEC. 327. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

2 (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD  
3 TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—

4 The Secretary shall, consistent with the requirements of  
5 section 323, administer the provisions of this subtitle  
6 through regulations, lease terms, conditions, restrictions,  
7 prohibitions, stipulations, and other provisions that—

8 (1) ensure the oil and gas exploration, develop-  
9 ment, and production activities on the Coastal Plain  
10 will result in no significant adverse effect on fish  
11 and wildlife, their habitat, and the environment;

12 (2) require the application of the best commer-  
13 cially available technology for oil and gas explo-  
14 ration, development, and production on all new ex-  
15 ploration, development, and production operations;  
16 and

17 (3) ensure that the maximum amount of sur-  
18 face acreage covered by production and support fa-  
19 cilities, including airstrips and any areas covered by  
20 gravel berms or piers for support of pipelines, does  
21 not exceed 2,000 acres on the Coastal Plain.

22 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—

23 The Secretary shall also require, with respect to any pro-  
24 posed drilling and related activities, that—

25 (1) a site-specific analysis be made of the prob-  
26 able effects, if any, that the drilling or related activi-

1       ties will have on fish and wildlife, their habitat, sub-  
2       sistence resources, and the environment;

3           (2) a plan be implemented to avoid, minimize,  
4       and mitigate (in that order and to the extent prac-  
5       ticable) any significant adverse effect identified  
6       under paragraph (1); and

7           (3) the development of the plan shall occur  
8       after consultation with the agency or agencies hav-  
9       ing jurisdiction over matters mitigated by the plan.

10       (c) REGULATIONS TO PROTECT COASTAL PLAIN  
11 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,  
12 AND THE ENVIRONMENT.—Before implementing the leas-  
13 ing program authorized by this subtitle, the Secretary  
14 shall prepare and promulgate regulations, lease terms,  
15 conditions, restrictions, prohibitions, stipulations, and  
16 other measures designed to ensure that the activities un-  
17 dertaken on the Coastal Plain under this subtitle are con-  
18 ducted in a manner consistent with the purposes and envi-  
19 ronmental requirements of this subtitle.

20       (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-  
21 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The  
22 proposed regulations, lease terms, conditions, restrictions,  
23 prohibitions, and stipulations for the leasing program  
24 under this subtitle shall require compliance with all appli-

1 cable provisions of Federal and State environmental law,  
2 and shall also require the following:

3 (1) Standards at least as effective as the safety  
4 and environmental mitigation measures set forth in  
5 items 1 through 29 at pages 167 through 169 of the  
6 “Final Legislative Environmental Impact State-  
7 ment” (April 1987) on the Coastal Plain.

8 (2) Seasonal limitations on exploration, develop-  
9 ment, and related activities, where necessary, to  
10 avoid significant adverse effects during periods of  
11 concentrated fish and wildlife breeding, denning,  
12 nesting, spawning, and migration.

13 (3) Design safety and construction standards  
14 for all pipelines and any access and service roads,  
15 that—

16 (A) minimize, to the maximum extent pos-  
17 sible, adverse effects upon the passage of mi-  
18 gratory species such as caribou; and

19 (B) minimize adverse effects upon the flow  
20 of surface water by requiring the use of cul-  
21 verts, bridges, and other structural devices.

22 (4) Prohibitions on general public access and  
23 use on all pipeline access and service roads.

24 (5) Stringent reclamation and rehabilitation re-  
25 quirements, consistent with the standards set forth

1 in this subtitle, requiring the removal from the  
2 Coastal Plain of all oil and gas development and  
3 production facilities, structures, and equipment upon  
4 completion of oil and gas production operations, ex-  
5 cept that the Secretary may exempt from the re-  
6 quirements of this paragraph those facilities, struc-  
7 tures, or equipment that the Secretary determines  
8 would assist in the management of the Arctic Na-  
9 tional Wildlife Refuge and that are donated to the  
10 United States for that purpose.

11 (6) Appropriate prohibitions or restrictions on  
12 access by all modes of transportation.

13 (7) Appropriate prohibitions or restrictions on  
14 sand and gravel extraction.

15 (8) Consolidation of facility siting.

16 (9) Appropriate prohibitions or restrictions on  
17 use of explosives.

18 (10) Avoidance, to the extent practicable, of  
19 springs, streams, and river system; the protection of  
20 natural surface drainage patterns, wetlands, and ri-  
21 parian habitats; and the regulation of methods or  
22 techniques for developing or transporting adequate  
23 supplies of water for exploratory drilling.

24 (11) Avoidance or minimization of air traffic-re-  
25 lated disturbance to fish and wildlife.

1           (12) Treatment and disposal of hazardous and  
2       toxic wastes, solid wastes, reserve pit fluids, drilling  
3       muds and cuttings, and domestic wastewater, includ-  
4       ing an annual waste management report, a haz-  
5       ardous materials tracking system, and a prohibition  
6       on chlorinated solvents, in accordance with applica-  
7       ble Federal and State environmental law.

8           (13) Fuel storage and oil spill contingency plan-  
9       ning.

10          (14) Research, monitoring, and reporting re-  
11       quirements.

12          (15) Field crew environmental briefings.

13          (16) Avoidance of significant adverse effects  
14       upon subsistence hunting, fishing, and trapping by  
15       subsistence users.

16          (17) Compliance with applicable air and water  
17       quality standards.

18          (18) Appropriate seasonal and safety zone des-  
19       ignations around well sites, within which subsistence  
20       hunting and trapping shall be limited.

21          (19) Reasonable stipulations for protection of  
22       cultural and archeological resources.

23          (20) All other protective environmental stipula-  
24       tions, restrictions, terms, and conditions deemed  
25       necessary by the Secretary.

1 (e) CONSIDERATIONS.—In preparing and promul-  
2 gating regulations, lease terms, conditions, restrictions,  
3 prohibitions, and stipulations under this section, the Sec-  
4 retary shall consider the following:

5 (1) The stipulations and conditions that govern  
6 the National Petroleum Reserve-Alaska leasing pro-  
7 gram, as set forth in the 1999 Northeast National  
8 Petroleum Reserve-Alaska Final Integrated Activity  
9 Plan/Environmental Impact Statement.

10 (2) The environmental protection standards  
11 that governed the initial Coastal Plain seismic explo-  
12 ration program under parts 37.31 to 37.33 of title  
13 50, Code of Federal Regulations.

14 (3) The land use stipulations for exploratory  
15 drilling on the KIC–ASRC private lands that are set  
16 forth in appendix 2 of the August 9, 1983, agree-  
17 ment between Arctic Slope Regional Corporation and  
18 the United States.

19 (f) FACILITY CONSOLIDATION PLANNING.—

20 (1) IN GENERAL.—The Secretary shall, after  
21 providing for public notice and comment, prepare  
22 and update periodically a plan to govern, guide, and  
23 direct the siting and construction of facilities for the  
24 exploration, development, production, and transpor-  
25 tation of Coastal Plain oil and gas resources.

1           (2) OBJECTIVES.—The plan shall have the fol-  
2       lowing objectives:

3           (A) Avoiding unnecessary duplication of fa-  
4       cilities and activities.

5           (B) Encouraging consolidation of common  
6       facilities and activities.

7           (C) Locating or confining facilities and ac-  
8       tivities to areas that will minimize impact on  
9       fish and wildlife, their habitat, and the environ-  
10      ment.

11          (D) Utilizing existing facilities wherever  
12      practicable.

13          (E) Enhancing compatibility between wild-  
14      life values and development activities.

15      (g) ACCESS TO PUBLIC LANDS.—The Secretary  
16   shall—

17          (1) manage public lands in the Coastal Plain  
18      subject to subsections (a) and (b) of section 811 of  
19      the Alaska National Interest Lands Conservation  
20      Act (16 U.S.C. 3121); and

21          (2) ensure that local residents shall have rea-  
22      sonable access to public lands in the Coastal Plain  
23      for traditional uses.

24   **SEC. 328. EXPEDITED JUDICIAL REVIEW.**

25      (a) FILING OF COMPLAINT.—

1           (1) DEADLINE.—Subject to paragraph (2), any  
2       complaint seeking judicial review of any provision of  
3       this Act or any action of the Secretary under this  
4       subtitle shall be filed—

5           (A) except as provided in subparagraph  
6       (B), within the 90-day period beginning on the  
7       date of the action being challenged; or

8           (B) in the case of a complaint based solely  
9       on grounds arising after such period, within 90  
10      days after the complainant knew or reasonably  
11      should have known of the grounds for the com-  
12      plaint.

13          (2) VENUE.—Any complaint seeking judicial re-  
14      view of any provision of this subtitle or any action  
15      of the Secretary under this subtitle may be filed only  
16      in the United States Court of Appeals for the Dis-  
17      trict of Columbia.

18          (3) LIMITATION ON SCOPE OF CERTAIN RE-  
19      VIEW.—Judicial review of a Secretarial decision to  
20      conduct a lease sale under this subtitle, including  
21      the environmental analysis thereof, shall be limited  
22      to whether the Secretary has complied with the  
23      terms of this subtitle and shall be based upon the  
24      administrative record of that decision. The Sec-  
25      retary's identification of a preferred course of action

1 to enable leasing to proceed and the Secretary's  
2 analysis of environmental effects under this subtitle  
3 shall be presumed to be correct unless shown other-  
4 wise by clear and convincing evidence to the con-  
5 trary.

6 (b) LIMITATION ON OTHER REVIEW.—Actions of the  
7 Secretary with respect to which review could have been  
8 obtained under this section shall not be subject to judicial  
9 review in any civil or criminal proceeding for enforcement.

10 **SEC. 329. FEDERAL AND STATE DISTRIBUTION OF REVE-**  
11 **NUES.**

12 (a) IN GENERAL.—Notwithstanding any other provi-  
13 sion of law, of the amount of adjusted bonus, rental, and  
14 royalty revenues from Federal oil and gas leasing and op-  
15 erations authorized under this subtitle—

16 (1) 25 percent shall be paid to the State of  
17 Alaska; and

18 (2) except as provided in section 332(d), the  
19 balance shall be deposited into the Treasury as mis-  
20 cellaneous receipts.

21 (b) PAYMENTS TO ALASKA.—Payments to the State  
22 of Alaska under this section shall be made semiannually.

1 **SEC. 330. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

2 (a) IN GENERAL.—The Secretary shall issue rights-  
3 of-way and easements across the Coastal Plain for the  
4 transportation of oil and gas—

5 (1) except as provided in paragraph (2), under  
6 section 28 of the Mineral Leasing Act (30 U.S.C.  
7 185), without regard to title XI of the Alaska Na-  
8 tional Interest Lands Conservation Act (30 U.S.C.  
9 3161 et seq.); and

10 (2) under title XI of the Alaska National Inter-  
11 est Lands Conservation Act (30 U.S.C. 3161 et  
12 seq.), for access authorized by sections 1110 and  
13 1111 of that Act (16 U.S.C. 3170 and 3171).

14 (b) TERMS AND CONDITIONS.—The Secretary shall  
15 include in any right-of-way or easement issued under sub-  
16 section (a) such terms and conditions as may be necessary  
17 to ensure that transportation of oil and gas does not result  
18 in a significant adverse effect on the fish and wildlife, sub-  
19 sistence resources, their habitat, and the environment of  
20 the Coastal Plain, including requirements that facilities be  
21 sited or designed so as to avoid unnecessary duplication  
22 of roads and pipelines.

23 (c) REGULATIONS.—The Secretary shall include in  
24 regulations under section 323(g) provisions granting  
25 rights-of-way and easements described in subsection (a)  
26 of this section.

1 **SEC. 331. CONVEYANCE.**

2 In order to maximize Federal revenues by removing  
3 clouds on title to lands and clarifying land ownership pat-  
4 terns within the Coastal Plain, the Secretary, notwith-  
5 standing the provisions of section 1302(h)(2) of the Alas-  
6 ka National Interest Lands Conservation Act (16 U.S.C.  
7 3192(h)(2)), shall convey—

8 (1) to the Kaktovik Inupiat Corporation the  
9 surface estate of the lands described in paragraph 1  
10 of Public Land Order 6959, to the extent necessary  
11 to fulfill the Corporation's entitlement under sec-  
12 tions 12 and 14 of the Alaska Native Claims Settle-  
13 ment Act (43 U.S.C. 1611 and 1613) in accordance  
14 with the terms and conditions of the Agreement be-  
15 tween the Department of the Interior, the United  
16 States Fish and Wildlife Service, the Bureau of  
17 Land Management, and the Kaktovik Inupiat Cor-  
18 poration effective January 22, 1993; and

19 (2) to the Arctic Slope Regional Corporation  
20 the remaining subsurface estate to which it is enti-  
21 tled pursuant to the August 9, 1983, agreement be-  
22 tween the Arctic Slope Regional Corporation and the  
23 United States of America.

24 **SEC. 332. LOCAL GOVERNMENT IMPACT AID AND COMMU-**  
25 **NITY SERVICE ASSISTANCE.**

26 (a) FINANCIAL ASSISTANCE AUTHORIZED.—

1           (1) IN GENERAL.—The Secretary may use  
2           amounts available from the Coastal Plain Local Gov-  
3           ernment Impact Aid Assistance Fund established by  
4           subsection (d) to provide timely financial assistance  
5           to entities that are eligible under paragraph (2) and  
6           that are directly impacted by the exploration for or  
7           production of oil and gas on the Coastal Plain under  
8           this subtitle.

9           (2) ELIGIBLE ENTITIES.—The North Slope  
10          Borough, the City of Kaktovik, and any other bor-  
11          ough, municipal subdivision, village, or other com-  
12          munity in the State of Alaska that is directly im-  
13          pacted by exploration for, or the production of, oil  
14          or gas on the Coastal Plain under this Act, as deter-  
15          mined by the Secretary, shall be eligible for financial  
16          assistance under this section.

17          (b) USE OF ASSISTANCE.—Financial assistance  
18          under this section may be used only for—

19               (1) planning for mitigation of the potential ef-  
20               fects of oil and gas exploration and development on  
21               environmental, social, cultural, recreational, and sub-  
22               sistence values;

23               (2) implementing mitigation plans and main-  
24               taining mitigation projects;

1           (3) developing, carrying out, and maintaining  
2       projects and programs that provide new or expanded  
3       public facilities and services to address needs and  
4       problems associated with such effects, including fire-  
5       fighting, police, water, waste treatment, medivac,  
6       and medical services; and

7           (4) establishment of a coordination office, by  
8       the north slope borough, in the City of Kaktovik,  
9       which shall—

10           (A) coordinate with and advise developers  
11       on local conditions, impact, and history of the  
12       areas utilized for development; and

13           (B) provide to the Committee on Resources  
14       of the House of Representatives and the Com-  
15       mittee on Energy and Natural Resources of the  
16       Senate an annual report on the status of co-  
17       ordination between developers and the commu-  
18       nities affected by development.

19       (c) APPLICATION.—

20           (1) IN GENERAL.—Any community that is eligi-  
21       ble for assistance under this section may submit an  
22       application for such assistance to the Secretary, in  
23       such form and under such procedures as the Sec-  
24       retary may prescribe by regulation.

1           (2) NORTH SLOPE BOROUGH COMMUNITIES.—A  
2       community located in the North Slope Borough may  
3       apply for assistance under this section either directly  
4       to the Secretary or through the North Slope Bor-  
5       ough

6           (3) APPLICATION ASSISTANCE.—The Secretary  
7       shall work closely with and assist the North Slope  
8       Borough and other communities eligible for assist-  
9       ance under this section in developing and submitting  
10      applications for assistance under this section.

11      (d) ESTABLISHMENT OF FUND.—

12           (1) IN GENERAL.—There is established in the  
13      Treasury the Coastal Plain Local Government Im-  
14      pact Aid Assistance Fund.

15           (2) USE.—Amounts in the fund may be used  
16      only for providing financial assistance under this  
17      section.

18           (3) DEPOSITS.—Subject to paragraph (4), there  
19      shall be deposited into the fund amounts received by  
20      the United States as revenues derived from rents,  
21      bonuses, and royalties from Federal leases and lease  
22      sales authorized under this subtitle.

23           (4) LIMITATION ON DEPOSITS.—The total  
24      amount in the fund may not exceed \$11,000,000.

1           (5) INVESTMENT OF BALANCES.—The Sec-  
2       retary of the Treasury shall invest amounts in the  
3       fund in interest bearing government securities.

4       (e) AUTHORIZATION OF APPROPRIATIONS.—To pro-  
5       vide financial assistance under this section there is author-  
6       ized to be appropriated to the Secretary from the Coastal  
7       Plain Local Government Impact Aid Assistance Fund  
8       \$5,000,000 for each fiscal year.

## 9       **TITLE IV—EFFECTIVE DATE**

### 10   **SEC. 401. EFFECTIVE DATE.**

11       Titles I through IV of this Act and the amendments  
12       made by this Act shall take effect on the first day after  
13       the date of the enactment of this Act on which the spot  
14       price for West Texas Intermediate (WTI-Cushing) crude  
15       oil is equal to or greater than \$150 per barrel, as deter-  
16       mined by the Energy Information Administration, Depart-  
17       ment of Energy.

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